

AN ORDINANCE

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF ALLSTATE INSURANCE COMPANY as Subrogee of GERARD CONSUEGRA VS. LARRY SMITH and CITY OF ATLANTA PARKS AND RECREATION, IN THE STATE COURT OF FULTON COUNTY, GEORGIA, CIVIL ACTION FILE NO. 04-VS-061311, IN THE AMOUNT OF \$1,081.78; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; TO WAIVE SECTION 2-783(h); AND FOR OTHER PURPOSES.

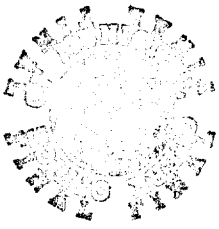
WHEREAS, on October 28, 2003, City of Atlanta, Department of Parks, Recreation and Cultural Affairs employee Larry Smith, while operating a City of Atlanta motor vehicle, was involved in a collision with the motor vehicle being operated by Gerard Consuegra; and

WHEREAS, as a result of the collision Gerard Consuegra suffered property damages to his vehicle in the approximate amount of \$1,081.78; and

WHEREAS, pursuant to the terms of Gerard Consuegra's insurance coverage policy, Allstate Insurance Company paid to Mr. Consuegra \$1,081.78 in property damage; and

WHEREAS, Allstate Insurance Company, as subrogee of Gerard Consuegra, has brought suit against Larry Smith and the City of Atlanta in the State Court of Fulton County, under Civil Action File No. 04-VS-061311; and

WHEREAS, the said lawsuit alleges that Larry Smith and the City of Atlanta are liable for damages resulting from their negligence in the amount of \$1,081.78, as well as penalties and attorney's fees pursuant to O.C.G.A. §§ 13-6-11 and 51-12-14 ; and



WHEREAS, counsel for the parties have tentatively agreed to resolve all claims in this matter for a total of \$1,081.78, including attorney's fees, contingent upon the approval of the Council of the City of Atlanta and the Mayor; and

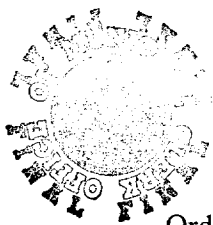
WHEREAS, by this settlement neither the City of Atlanta nor Larry Smith admit liability or wrongdoing; and

WHEREAS, the offer of settlement acceptable to Plaintiff is, in the opinion of the City Attorney, appropriate to settle all claims against Larry Smith and the City of Atlanta arising out of the case of Allstate Insurance Company as Subrogee of Gerard Consuegra v. Larry Smith and City of Atlanta Parks and Recreation;

THE COUNCIL OF THE CITY OF ATLANTA, HEREBY ORDAINS as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of Allstate Insurance Company as Subrogee of Gerard Consuegra v. Larry Smith and City of Atlanta Parks and Recreation in the amount of One Thousand and Eighty One Dollars and Seventy Eight Cents (\$1,081.78).

SECTION 2. The Chief Financial Officer is authorized to pay the total of One Thousand and Eighty One Dollars and Seventy Eight Cents (\$1,081.78) from the account of 1A01-529017-T31001, "Settlement of Suits and Claims." Payment shall be in the form of a check in the amount of \$1,081.78, payable to Allstate Insurance Company and Mary A. Miller & Associates, LLC. Such payment will be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers.



SECTION 3.

To the extent that Section 2-783(h) of the Code of Ordinances of the City of Atlanta is in conflict herewith, that subsection is waived for this instance only to permit the payment of \$1,081.78 on behalf of Larry Smith.

A true copy

Deputy Clerk

**ADOPTED by the Council**  
**APPROVED by the Mayor**

June 21, 2004  
June 24, 2004

RCS# 5810  
6/21/04  
1:50 PM

Atlanta City Council

Regular Session

CONSENT I            CONSENT I PG 1-15 EXCEPT 04-O-1110 -1098  
                         O-1100 O-1109 O-1104 R-1145 R-1144  
                                 ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	B Mosley	B Willis

CONSENT I

6-21-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1016 2. 04-O-1009 3. 04-O-1117 4. 04-O-0795 5. 04-O-0919 6. 04-O-0914 7. 04-O-1064 8. 04-O-1101 9. 04-O-1118 10. 04-O-0987 11. 04-O-0990 12. 04-O-1116 13. 04-O-0662 14. 04-O-0663 15. 04-O-0664 16. 04-O-1018 17. 04-O-1106 18. 04-O-1112 19. 04-O-1113 20. 04-O-1119 21. 04-O-0785 22. 04-O-1007 23. 04-O-1103 24. 04-R-1022 25. 04-R-1043 26. 04-R-1047 27. 04-R-1020 28. 04-R-1035 29. 04-R-1051 30. 04-R-1052 31. 04-R-1053 32. 04-R-1111 33. 04-R-1056 34. 04-R-1107 35. 04-R-1088 36. 04-R-1092 37. 04-R-1093 38. 04-R-1094 39. 04-R-1095 40. 04-R-1096	41. 04-R-1066 42. 04-R-1067 43. 04-R-1068 44. 04-R-1069 45. 04-R-1070 46. 04-R-1071 47. 04-R-1072 48. 04-R-1073 49. 04-R-1074 50. 04-R-1075 51. 04-R-1076 52. 04-R-1077 53. 04-R-1078 54. 04-R-1079 55. 04-R-1080 56. 04-R-1081 57. 04-R-1082 58. 04-R-1083 59. 04-R-1084 60. 04-R-1085 61. 04-R-1086 62. 04-R-1087 63. 04-R-1089 64. 04-R-1090 65. 04-R-1091

04-0-0914  
(Do Not Write Above This Line)

AN ORDINANCE

BY THE PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE:

AN ORDINANCE AUTHORIZING THE  
SETTLEMENT OF ALL CLAIMS IN  
THE CASE OF ALLSTATE INSURANCE  
COMPANY as Subrogee of GERARD  
CONSUEGRA VS. LARRY SMITH AND  
CITY OF ATLANTA PARKS AND  
RECREATION, IN THE STATE COURT  
OF FULTON COUNTY, GEORGIA,  
CIVIL ACTION FILE NO. 04-VS-061311,  
IN THE AMOUNT OF \$1,081.78;  
AUTHORIZING THE CHIEF  
FINANCIAL OFFICER TO DISTRIBUTE  
THE SETTLEMENT AMOUNT; TO  
WAIVE SECTION 2-783(b); AND  
OTHER PURPOSES.

ADOPTED BY

JUN 21 2004

COUNCIL

- ☒ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

1. Date Referred 6-7-2004  
Referred to: Legal Administration

Date Referred

Referred To:

Date Referred

Referred To:

Committee Public Safety & Legal Admin.  
Date 6-7-2004  
Chair [Signature]  
Referred To [Signature]

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

[Signature]  
[Signature]  
[Signature]

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
JUN 21 2004  
COUNCIL PRESIDENT PROTEM  
[Signature]

CERTIFIED  
JUN 21 2004  
MAYOR'S ACTION  
MUNICIPAL CLERK  
[Signature]

MAYOR'S ACTION  
MAYOR  
[Signature]  
JUN 24 2004